IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
and
HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 27073 of 2003

Between:

S.Brahma Chary S/o. Late Yella Chary,
Formerly Head Clerk in the unit of Dist.Judge, RR Dist. R/o.plot No.151,Sowbhagyapuram Colony,
Mohan Nagar, Kothapet, Hyderabad- 500035.

..... PETITIONER

AND

1 The High Court of A.P., rep. by its Registrar (Administration), Hyderabad.
2 The Prl.District & Sessions Judge District Court, Ranga Reddy District.N.T.R.Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari after calling the records of order in ROC.NO.240/2002,CII/1 dt.28-8-2003, passed by 1st

respondent confirming the order in Dis.No.4788/2002,Dt.29-6-2002 passed by the 2nd respondent, declare the action of the 1st respondent in passing the order in ROC., No.240/2002,CII/1 dt.28-8-2003, confirming the order in Dis.NO.4788/2002, Dt.29-6-2002 passed by the 2nd Respondent as illegal, arbitrary, unjust in violation of principles of natural justice and also in violation of Article 21 of Constitution of India and consequently set aside the order passed by the 1st Respondent in ROC.No 240/2002,CII/1, dt.28-8-2003 confirming the order in Dis.No.4788/2002, dt.29-6-2002 passed by the 2nd respondent and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner : MR.V.PADMANABHA RAO,
Advpcate

For the Respondents : SMT.M.BHASKARA LAKSHMI
SC FOR APHC.

WRIT PETITION NO : 27076 of 2003

Between:

S.Brahma Chary, S/o.Late Yella Chary,
Formerly Head Clerk in the Unit of District Judge, Ranga Reddy District, R/o.Plot No.151, Sowbhagyapuram Colony, Mohan Nagar, Kothapet, Hyderabad-500035.

..... PETITIONER

AND

1 High Court of Andhra Pradesh, rep. by its Registrar (Administration), Hyderabad.
2 The Principal District & Sessions Judge, District Court, Ranga Reddy District, N.T.R.Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India

praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of CERTIORARI after calling the records of order in ROC No.239/2002,CII/1 dt. 28-8-2003, passed by Ist respondent confirming the order in Dis.No.4787/2002, Dt. 29-6-2002 passed by the 2nd Respondent, declare the action of the1st respondent in passing the order in ROC No.239/2002,CII/1, dt. 28-8-2003, confirming the order in Dis.No.4787/2002, Dt. 29-6-2002 passed by the 2nd Respondent as illegal, arbitrary, unjust in violation of principles of natural justice and also in violation of Article 21 of Constitution of India and consequently set aside the Order passed by the Ist Respondent in ROC No.239/2002,CII/1, dt. 28-8-2003 confirming the Order in Dis.No.4787/2002, Dt. 29-6-2002 passed by the 2nd respondent.

For the Petitioner : MR.V.PADMANABHA RAO,
Advocate.

For the Respondents : SMT.M.BHASKARA LAKSHMI
(SC FOR APHC)

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WRIT PETITION NO : 27425 of 2003

Between:

S.Brahma Chary, s/o.Late Yella Chary,
Formerly Head Clerk in the unit of
District Judge, RANGA REDDY DISTRICT, R/o.Plot No.151,
Sowbhagyapuram Colony, Mohan Nagar,
Kothapet, Hyderabad-500035.

..... PETITIONER

AND

1 High Court of Andhra Pradesh, rep. by its Registrar, (Administration), Hyderabad.
2 The Principal District & Sessions Judge, District Court, Ranga Reddy District, N.T.R.Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of CERTIORARI after calling the records of order in ROC.No.238/2002,CII/1, dt.26-6-2003, passed by the Ist Respondent confirming the order in Dis.No.4786/2002, Dt.29-6-2002 passed by the 2nd Respondent, declare the action of the 1st respondent in passing the order in ROC.No.238/2002,CII/1, dt.26-6-2003, confirming the order in Dis.No.4786/2002, Dt.29-6-2002 passed by the 2nd Respondent as illegal, arbitrary, unjust in violation of principles of natural justice and also in violation of Article 21 of Constitution of India and consequently quash the Order passed by the Ist Respondent in ROC.No.238/2002,CII/1, dt.26-6-2003 confirming the Order in Dis.No.4786/2002, dt.29-6-2002 passed by the 2nd respondent.

For the Petitioner : MR.V.PADMANABHA RAO, Advocate.

For the Respondents : SMT.M.BHASKARA LAKSHMI
(SC FOR APHC)

WRIT PETITION NO : 27426 of 2003

Between:

S.Brahma Chary, S/o Late Yella Chary,
Formerly Head Clerk in the Unit of District Judge, Ranga Reddy District, R/o Plot No.151, Sowbhagyapuram Colony,

Mohan Nagar, Kothapet, Hyderabad - 500 035.

..... PETITIONER

AND

1 The Registrar (Administration), High Court of A.P. Hyderabad.
2 The Prl.District & Sessions Judge, District Court, Ranga Reddy District, N.T.R.Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Certiorari after calling the records of order in ROC.No.234/2002,CII/1 dated 26-06-2003, passed by 1st respondent confirming the order in Dis.No.4785/2002, Dt.29-06-2002 passed by the 2nd Respondent, declare the action of the Ist respondent in passing the order in ROC No.234/2002,CII/1, dated 26-06-2003, confirming the order in Dis.No.4785/2002, Dt.29-06-2002 passed by the 2nd Respondent as illegal, arbitrary, unjust, in violation of principles of natural justice and also in violation of Article 21 of Constitution of India and consequently set aside the Order passed by the Ist Respondent in ROC No.234/2002, CII/1, dated 26-06-2003 confirming the Order in Dis.No.4785/2002, dated 29-06-2002 passed by the 2nd respondent.

For the Petitioner : MR.V.PADMANABHA RAO, Advocate.

For the Respondents: SMT.M.BHASKARA LAKSHMI
(SC FOR APHC)

WRIT PETITION NO : 27427 of 2003

Between:

S.Brahma Chary, S/o Late Yella Chary,
Formerly Head Clerk in the Unit of District Judge, Ranga Reddy District. R/o Plot No.151, Sowbhagyapuram Colony, Mohan Nagar, Kothapet, Hyderabad - 500 035.

..... PETITIONER

AND

1 The Registrar (Administration), High Court of A.P. Hyderabad.
2 The Prl.District & Sessions Judge, District Court, Ranga Reddy District, N.T.R.Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Certiorari after calling the records of order in ROC.No.241/2002.CII/1, dated 11-7-2003, passed by Ist respondent confirming the order in Dis.No.4789/2002, dated 29-6-2002 passed by the 2nd Respondent, declare the action of the 1st respondent in passing the order in ROC.No.241/2002, CII/1 dated 11-7-2003, confirming the order in Dis.No.4789/2002, Dt.29-6-2002 passed by the 2nd Respondent as illegal, arbitrary, unjust, in violation of Principles of Natural justice and also in violation of Article 21 of Constitution of India and consequently quash the order passed by the Ist respondent in ROC.No.241/2002,CII/1, dated 11-7-2003, confirming the Order in Dis.No.4789/2002,dt.29-6-2002 passed by the 2nd respondent.

For the Petitioner : MR.V.PADMANABHA RAO, Advocate.

For the Respondents : SMT.M.BHASKARA LAKSHMI
(SC FOR APHC)

The Court Made the Following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1. These writ petitions arise out of orders passed in departmental proceedings holding the petitioner guilty of misconduct, dereliction of duties and negligent in discharging the duties entrusted to him and thereby imposing punishment of compulsory retirement from service with effect from 01.07.2002.

2. Petitioner was appointed as Lower Division Clerk in the unit of City Civil Court, Hyderabad, on 18.12.1976 and was promoted as Head Clerk in Junior Civil Judge's Court, Ibrahimpatnam. From 9.7.1997 to 16.11.1998 he worked as Deputy Nazir in the Court of Additional Judicial First Class Magistrate, Hyderabad, West & South, Ranga Reddy District. Petitioner was issued charge memo by the second respondent. Petitioner participated in the enquiry and was assisted by Advocate throughout the enquiry. Certain charges were framed in five cases which are almost similar in nature. Enquiry Officer found charges to have been proved and he found the petitioner to be guilty of misconduct, dereliction of duties and negligent in performance of his duties. In almost all the charges framed, nature is similar for not entering the case properties in various cases in the case property register, giving wrong case numbers, handing over the property without the knowledge of the concerned Magistrate to the police and keeping cash with him instead of deposing with the concerned Magistrate. Almost all

the properties which are valuable properties coming under subject matter of enquiry happened to be misappropriated by the petitioner. Though the charge proved against the petitioner is of serious in nature in all the five cases, the disciplinary authority, namely, Principal District & Sessions Judge, Ranga Reddy, took a lenient view observing that instead of dismissal from service, interest of justice would be met in case punishment of compulsory retirement is imposed upon him so as to enable the petitioner to earn some pensionary benefits. The disciplinary authority also took notice of the fact that though petitioner had kept cash with him and when the enquiry was ordered, under the guise of inventory, he brought the cash to the court. Petitioner preferred appeals which were duly considered on administrative side by the High Court. After detailed enquiry, it was found that there was no ground for interfering with the findings of fact or even with the punishment imposed on the petitioner since it was proportionate to the gravity of the charges.

3. Petitioner has now filed five separate writ petitions questioning the orders passed against him. As a matter of fact, learned counsel for the petitioner wants us to reappreciate the evidence and in case if the evidence is properly appreciated, this court may come to the conclusion that petitioner is not guilty. May be that petitioner may not be very up-to-date in performance of his duties, but on reappraisal of the evidence, learned counsel for the petitioner wants us to exonerate the petitioner of the charges. Such a course is not permissible for the High Court in exercise of its writ jurisdiction to reappraise

the evidence and to come to a different conclusion than the one arrived at by the disciplinary authority. On the basis of the material which was available with the disciplinary authority, the view taken by the disciplinary authority is not only the plausible view which can be taken and when such a view is a plausible view, which has also been affirmed on administrative side by the High Court, it is not a fit case for interference on judicial side. Even on the question of quantum of punishment, we are of the view that disciplinary authority had took a lenient view and with compassion i.e., instead of dismissal from service, ordered for compulsory retirement from service. On the punishment so imposed, no interference is called for.

4. In the result, writ petitions are dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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G. ROHINI. J.,

Dated: 23.06.2004.

VRK.

Note:
Office to place a copy of this
rder in each case after signature
of the Hon'ble Judges.

To

1 The Registrar (Administration), High Court of A.P. Hyderabad.

2 The Prl.District & Sessions Judge, District Court, Ranga Reddy District, N.T.R.Nagar, Hyderabad.

3. 2 CD copies.

HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE Ms. JUSTICE G.ROHINI.

W.P.Nos. 27073, 27076, 27425, 27426 &
27427 OF 2003.

(Order of the Bench delivered by
Hon'ble The Chief Justice)

Dt: 23.06.2004.

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